

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

J.V. a Minor, Through her Father  
and Next Friend, J.V. an adult,

Plaintiff,

vs.

No. 3:18- cv-1012

THE UNITED STATES OF AMERICA,

Defendant

**SERVE:**

U.S. Attorney for  
Southern District of Illinois  
9 Executive Drive  
Fairview Heights, IL 62208

Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530-0001

**COMPLAINT**

COMES NOW, Plaintiff, J.V., a minor, by and through her natural father and next friend, J.V., an adult, and her attorney Alan G. Pirtle, and for her cause of action against the Defendant, The United States of America, states as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction of this court is based upon the existence of a question arising under the Federal Tort Claims Act, 28 U.S.C. sec. 1346(b).

2. Plaintiff previously timely served upon the Defendant a Form 95 Claim for Damage, Injury or Death with supporting materials. (A copy of said Form 95 is attached hereto, incorporated by reference herein, and marked Exhibit A.)

3. Plaintiff has complied with the requirements of the Federal Tort Claims Act (FTCA) in that on October 30, 2017, the appropriate agency and officer of the United States government mailed a final denial of the Plaintiff's claim.

4. Venue is proper in this district court pursuant to 28 U.S.C. 1346(b), 28 U.S.C. 1402(b), and 28 U.S.C. 1391 because the events giving rise to Plaintiff's claims herein occurred at or adjacent to Scott Air Force Base in St. Clair County, Illinois which is within the territorial limits of the United States District Court for the Southern District of Illinois.

5. The Plaintiff, J.V. is a minor female under 11 years of age.

6. This action is brought for the minor Plaintiff by her adult natural father who also has the initials J.V. Plaintiff's father has full custodial rights of the minor J.V. and said minor resides with her father.

7. The initials of the minor's father are being used herein rather than the father's full name because this cause of action involves allegations of sexual abuse and assault against the minor at or adjacent to a Scott Air Force Base children's day care facility with resulting physical and emotional harm caused to said minor. Disclosure of the father's full name herein would result in the loss of the privacy protections afforded to the minor by Federal Rule of Civil Procedure 5.2(a) and the local rules of this court especially since the names of the father and the minor are so substantially similar. (See Gensler, *Federal Rules of Civil Procedure: Rules and Commentary* note to Rule 5.2 "Names of Parents" and cases cited in note 10. Also see *Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7<sup>th</sup> Cir. 1997) stating that "...fictitious names are allowed when necessary to protect the privacy of children, rape victims, and other particularly vulnerable parties or witnesses.")

8. Plaintiff's counsel shall file with the Court a document under seal or *in camera* stating the full names, addresses, and dates of birth of the minor plaintiff and her father. A copy of said document shall also be served upon the Defendant.

9. In Plaintiff's Form 95 and other pre-suit administrative proceedings, the appropriate agencies and agents of the United States of America were provided with the names and identifying information for the minor plaintiff and her father.

10. In July and August 2013, there was a facility located on or adjacent to Scott Air Force Base in St. Clair County, Illinois believed to be called the "Scott Air Force Base Youth Center" (hereinafter called the "Youth Center.")

11. At all times relevant herein, the Youth Center was owned, operated, managed, maintained, staffed, and supervised by agents, servants or employees of the United States of America.

12. At all times relevant herein, the United States of America, by and through its agents, servants, and employees, provided child day care and education services to minor children at the Youth Center including but not limited to providing said services to the minor Plaintiff J.V.

13. At all times relevant herein, the United States of America, by and through its agents, servants, and employees, owed and voluntarily assumed a duty to the minor Plaintiff J.V. and other minor students or residents of the Youth Center to provide a safe and healthy environment for them and to protect the physical and emotional well-being of the minor Plaintiff and other minors while they attended the Youth Center.

14. On August 5, 2013, the minor Plaintiff J.V. was at the Youth Center after having been placed there by her parents to receive day care and educational services.

15. Also at the Youth Center on August 5, 2013 was another minor child, a male, (hereinafter called the “minor male”) who was also at the center for day care and other services.

16. On August 5, 2013, the Defendant’s agents, servants or employees knew or should have known that the minor male had shown signs of sexual deviancy and had committed prior acts of sexual assault, aggression and/or violence toward other minor children, but said male minor was permitted to remain in the Youth Center with other minor children and/or without adequate and appropriate parental supervision.

17. On August 5, 2013, the minor Plaintiff, J.V., was sexually abused, assaulted, and molested at the Youth Center by the minor male.

18. On August 5, 2013, the Defendant, by and through its agents, servants, and employees, breached the aforesaid duty owed to the minor Plaintiff J.V. in one or more of the following ways:

- A. Negligently and carelessly failed to prevent or bar the minor male from attending or being in or near the Youth Center; and/or
- B. Negligently and carelessly allowed the minor male to be in close physical proximity to the minor J.V. and other children at the Youth Center; and/or
- C. Negligently and carelessly placed the minor J.V. in physical proximity to the minor male who had violent and inappropriate tendencies or history which were known or should have been known by the Youth Center’s staff and personnel; and/or
- D. Negligently and carelessly provided inadequate, improper, and inappropriate supervision of the children at the Youth Center; and/or
- E. Negligently and carelessly failed to respond appropriately, adequately, and promptly to prior improper and dangerous actions committed by the minor male; and/or
- F. Negligently and carelessly placed very young children like the minor Plaintiff J.V. unsupervised in proximity to older children like the minor male; and/or
- G. Negligently and carelessly failed to warn the parents of the minor Plaintiff J.V.; and/or

- H. Negligently and carelessly provided staffing by insufficient numbers of trained adults at the Youth Center; and/or
- I. Negligently and carelessly provided inadequate and improper training of the Youth Center staff; and/or
- J. Negligently and carelessly failed to adequately warn its staff of the dangers posed by the minor male; and/or
- K. Negligently and carelessly failed to provide counselling and other remedial measures to the minor male; and/or
- L. Negligently and carelessly formulated policies and procedures which placed the minor Plaintiff J.V. and other children at the Youth Center in danger.

19. As a direct and proximate result of one or more of the foregoing acts or omissions, on August 5, 2013, the minor Plaintiff J.V. was sexually abused, molested, and assaulted by the minor male at the Youth Center which has caused, and will in the future cause the minor J.V. to: experience pain, suffering, emotional distress, and mental anguish; obtain medical, psychological, and other health care to treat the effects of said assault; and/or sustain future lost wages and/or other damages all in a sum of One Million-Five Hundred Thousand Dollars (\$1,500,000.00).

WHEREFORE, the Plaintiff, J.V., a minor, through her adult natural father and next friend, J.V., requests that judgment be entered against the Defendant United States of America in a sum of One Million-Five Hundred Thousand Dollars (\$1,500,000.00), their costs of suit, and any other relief the court considers to be necessary and appropriate under the circumstances.

BROWN & CROUPPEN, P.C.

By:



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